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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,329	03/05/2002	Paul T. Bloomquist	884.724US1	7150
21186	7590	12/08/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			TRUONG, LAN DAI T	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/091,329

Applicant(s)

BLOOMQUIST ET AL.

Examiner

Lan-Dai Thi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is response to communications: application, filed 05/03/2002; amendment filed 09/18/2006. Claims 1-20 are pending.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in the prior Office action.

Claims 12-14 are rejected under 35 U.S.C 103(a) as being un-patentable over A Chinta et al. (U.S. 6,879,995) in view of Wong et al. (U.S. 6,226,659)

Claims 9-10 are rejected under 35 U.S.C 103(a) as being un-patentable over Harrison (U.S. 6,901,582) in view of Chinta et al. (U.S. 6,879,995)

Claim 11 is rejected under 35 U.S.C 103(a) as being un-patentable over Harrison-Chinta in view of Robert et al. (U.S. 6,754,693)

Claims 1-8 are rejected under 35 U.S.C 103(a) as being un-patentable over Chinta et al. (U.S. 6,879,995) in view of LiVecchi et al. (U.S. 2001/0018701), further in view of Zhao et al. (U.S. 6,799,213)

Claims 15-20 are rejected under 35 U.S.C 103(a) as being un-patentable over Chinta et al. (U.S. 6,879,995) in view of Perholtz et al. (U.S. 5,732,212)

3. The rationale of the rejections previously presented in the last Office Action is hereby incorporated in the previous rejections under 35 USC § 103 for the case is retained. Please see the previous rejections sent out on 06/14/2006 for details

### **Response to Arguments**

4. Applicant's arguments filed 09/18/2006 have been fully considered. But Applicant's arguments are not persuasive. The previous Office Action is retained.

5. In response to Applicant's arguments with respect to the Chinta does not anticipate for the rejections on claims 15-20 under 35 USC § 102 (e), it is clear from the previous Office Action that the rejections for claims 15-20 are under "35 U.S.C 103(a) as being un-patentable" over Chinta et al. (U.S. 6,879,995) in view of Perholtz et al. (U.S. 5,732,212). Examiner indicates that there is just a typographical error for the rejections on claims 15-20.

6. In response to applicant's argument that there is no suggestion to combine the references of the Chinta and the Wong, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Both of the Chinta and the Wong teach about reporting of processing data/ processing request; For example, the Chinta discloses an application server processes a request received from a client; and the client polls the application server for information regarding to the status of the request; Chinta discloses an interface is provided in order to monitor process of a request object/ created response object for of the request object: (column 16, lines 50-67; column 17, lines 1-58; column 20, lines 60-67; column 21, lines 1-67; column 22, lines 1-39). While the Wong discloses a method and apparatus for processing report, which support for communications between a client application and a report

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server; therefrom, the report server sends a processing data reports in responsive to report command received from the client applications: (column 1, lines 5-8; column 2, lines 12-30; column 4, lines 19-21; column 7, lines 1-4)

7. Regarding to Applicant's arguments with respect to neither the Chinta nor the Wong, either alone or combination, discloses each and every element of claims 12-14 are not persuasive. See the office action sent out on 06/14/2006 for details of rejections for claims 12-14.

8. Regarding to Applicant's arguments with respect to the prior arts do nothing with the claim feature such as to build a page comprising an object, control information and an initial status of the object are not persuasive. The Chinta discloses communication between a client computer and an application server for information regarding to the status of the request; wherein the JSP component used to create "a JSP page" which is equivalent to "built page" in response to process a request. The response JSP page includes dynamical responses objects for displaying: (column 16, lines 52-60; column 24, lines 40-52; column 10, lines 42-67; column 21, lines 1-67; column 22, lines 1-67)

9. In response to Applicant's arguments with respect to "queue a change in the status of object." The Wong discloses "a report queue status" which is equivalent to "queue a change in the status": (column 6, lines 13-29)

10. Regarding to applicant's arguments with respect to neither Chinta nor the Wong disclose sending the change of status of object to the client are not persuasive. The Wong discloses "report status" which is equivalent to "the change status of object" is transmitted to intended "a destination" which is equivalent to " the client" whenever it's available: (column 4, lines 10-21; column 5, lines 10-21, 45-55)

11. In response to applicant's arguments with respect to there is no suggestion to combine the references such as the Harrison and the Chinta for claims 9-10 rejections, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both references of The Harrison and the Chinta disclose monitoring/ reporting the status of data processing. For example, the Chinta discloses an application server processes a request received from a client; and the client polls the application server for information regarding to the status of the request. While the Harrison discloses a system for monitoring/alerting the performance of an application: (abstract; column 2, lines 1-67)

12. Regarding to Applicant's arguments with respect to combinations of the Harrison and the Chinta does not disclose each and every element of claim 9 are not persuasive. See the office action sent out on 06/14/2006 for details of rejections for claim 9.

13. In response to Applicant's arguments with respect to failing to describe a script application that detects an object in a page and informs a client application of the object are not persuasive. The Chinta discloses communication between a client computer and an application server for information regarding to the status of the request; wherein "the JSP script component" which is equivalent to "script application" used to create a JSP page responsive to processing an object request. The response JSP page includes dynamical responses objects for displaying; Chinta discloses a request is receives from a client may be referencing executabe by java

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serverlet. The execution results are returned to the client: (column 7, lines 25-37, lines 65-67; column 8, lines 1-27; column 9, lines 1-40; column 13, lines 1-67; column 14, lines 1-67; column 16, lines 52-60; column 24, lines 40-52; column 10, lines 42-67; column 21, lines 1-67; column 22, lines 1-67)

14. In response to applicant's argument that there is no suggestion to combine the references of the Harrison, the Chinta and the Roberts, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, those references teach requesting status of processing request. For example, For example, the Chinta discloses an application server processes a request received from a client; and the client polls the application server for information regarding to the status of the request. While the Harrison discloses a system for monitoring/alerting the performance of an application: (abstract; column 2, lines 1-67); and the Roberts also relates to method of polling the server for request status: (figure 7B, items 244)

15. In response to applicant's argument that there is no suggestion to combine the references of the Chinta, the LiVecchi and the Zhao, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958

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F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, those references teach requesting status of processing request. For example, the Chinta discloses an application server processes a request received from a client; and the client polls the application server for information regarding to the status of the request. While the Zhao also discloses delivering reports of responses corresponding to at least one action: (column 3, lines 1-39; column 4, lines 60-67); and the LiVecchi relates to method of creating response which is responsive to a received performance request: (abstract; [0008]; [0014]-[0015])

16. Regarding to Applicant's arguments with respect to either alone or combination, the Chinta, the LiVecchi and the Zhao discloses not teach all limitations of claim 1 are not persuasive. See the office action sent out on 06/14/2006 for details of rejections for claim 1

16. Regarding to Applicant's arguments with respect to the Zhao does not disclose executing an application identified by the page to poll the server for a result of the operation are not persuasive. The Zhao discloses method for sending "a testing messages request" which represents for testing "application", the testing request is sent to the testing server through "a web browser" which is equivalent to "a page." The result of testing is polled, see (column 8, lines 45-50; column 9, lines 1-14). Furthermore, The Chinta discloses communication between a client computer and an application server for information regarding to the status of the request; wherein "the JSP script component" which is equivalent to "script application" used to create a JSP page in response to process an object request. The response JSP page includes dynamical responses objects for displaying; Chinta discloses a request is receives from a client may be referencing executable by java severlet. The execution results are returned to the client: (column 7, lines 25-37, lines 65-67; column 8, lines 1-27; column 9, lines 1-40; column 13, lines 1-67;



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column 14, lines 1-67; column 16, lines 52-60; column 24, lines 40-52; column 10, lines 42-67; column 21, lines 1-67; column 22, lines 1-67)

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Conclusions**

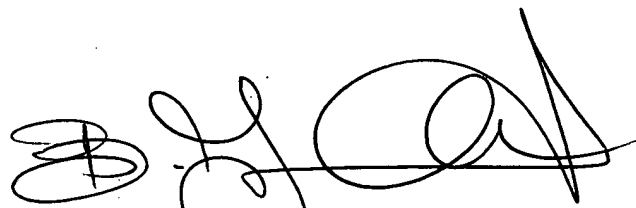
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/07/2006



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SUPERVISORY PATENT EXAMINER